IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 15991 of 1994

Between:

S.Bhuvaneshwar, S/o. S.S.Krishna Rao, Aged

39 years,resident of 6-3-609/10/2, Anand Nagar,

Hyderabad - 500 004.

... PETITIONER

AND

1 The Labour Court No.III, IV Floor, Chandravihar Building,
M.J Road, Hyderabad. Rep. by Presidisng Officer,
2 The Depot Manager, A.P.S.R.T.C., Medchal Depot,
Medchal, Ranga Reddy Dist.

...RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a direction particularly one in the nature of Certiorari, after calling for the records on the File of the Labour Court - III, Hyderabad, in I.D.No.205/1992 and quash the Award dated 15.10.1993 to the extent of not granting the back wages and to the extent of imposing a punishment of reduction of two ranks in seniority and direct the Second Respondent to Pay the Petitioner all the back wages and other attendant benefits.

Counsel for the Petitioner:MR.B.G.RAVINDER REDDY

Counsel for the Respondent No.1: Govt. Pleader for Labour

Counsel for the respondent No.2: None appeared.

The Court made the following :

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ORAL ORDER:

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1. The writ petition is filed challenging the award passed by the learned Labour Court-III, Hyderabad in I.D.No.205 of 1992, dated: 15.10.1993.

2. Petitioner was a mechanic in A.P.S.R.T.C. He was proceeded in a departmental disciplinary proceedings and ultimately he was removed from service. Challenging the removal, he raised an industrial dispute in I.D.No.205 of 1992. The Tribunal after considering the matter held that the removal from service is too harsh punishment and accordingly passed an award directing reinstatement of the petitioner with continuity of service and attendant benefits but without back wages and further imposed punishment of reduction in the seniority by two places. To the extent of reduction of seniority, the present Writ Petition has been filed by the writ petitioner and also the back wages.

3 . The learned counsel for the petitioner submits that when once the Order of removal was not sustainable, the normal relief the employee entitled is that he should be reinstated and the benefits are ought to have been received, but for the removal should be granted to the petitioner and therefore, the learned counsel for the petitioner submits that the order denying the back wages and also imposing punishment is illegal. The learned counsel would also submit that the misconduct is so trivial for which the denial of back wages and reduction of two places in seniority

is also equally unreasonable.

4. I have heard the learned counsel for the respondent.

5. The removal order was set aside by the Tribunal and he was given attendant benefits. The tribunal having adjudicated the matter, it cannot be said that it does not possess the jurisdiction to grant appropriate relief including substitution of punishment. Thus I do not find any error, apparent on the face of the record.

6. Accordingly, this writ petition is dismissed. No costs.

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G.BIKSHAPATHY,J

06-08-2004

DVS

To

1.The Presidisng Officer, The Labour Court No.III, IV Floor,

Chandravihar Building, M.J Road, Hyderabad.
2.The Depot Manager, A.P.S.R.T.C., Medchal Depot,
Medchal, Ranga Reddy Dist.

3.Two CCs,.to G.P.for Labour, High Court of A.P. Hyderabad(OUT).

4.Two CD copies.